

SENATOR MONEN: Thank you, Mr. President. I happen to know something about this case and I can tell you that the original decision in the Nebraska Workers' Compensation Court was by a jurist whose probity, impartiality and scholarship is beyond question and I'm here to share with you the scholarship and impartiality in the law that went into the decision. Before I do that, I'd like to ask Senator Bromm a question.

SPEAKER WITHEM: Senator Bromm, would you respond?

SENATOR BROMM: Yes, Senator Monen.

SENATOR MONEN: Senator Bromm, did you say that you had children who engaged in house painting, scraping and lawn type work?

SENATOR BROMM: That's correct.

SENATOR MONEN: If your children, whatever age, work for the XYZ painting company and went about Wahoo painting stores and houses and were engaged and paid wages, would you consider them employees?

SENATOR BROMM: Probably.

SENATOR MONEN: If your children worked for the XYZ lawn care company and was employed by the proprietor of that company and they went around mowing lawns at homes and in commercial establishments and were paid, would you regard them as employees?

SENATOR BROMM: Under most circumstances, although I know that...

SENATOR MONEN: Well would you or wouldn't you? Is there something about the question that isn't precise enough?

SENATOR BROMM: Yeah, I think it depends on the circumstances under which they are doing those things. Now in our town there are kids that mow lawns who are considered and probably fit under independent contractors status.

SENATOR MONEN: Well let me ask you if the distinction isn't whether or not the children are doing the business as part of a trade or business as opposed to just doing the neighbor's lawn? I mean as an ongoing, as part of...isn't that the distinction or